

Te



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/660,995	09/13/2000	Steven A. Weiss	30150-pa	7972

7590

04/04/2002

Bernhard Kreten
Suite 245
77 Cadillac Drive
Sacramento, CA 95825

EXAMINER

NGUYEN, KIM T

ART UNIT

PAPER NUMBER

3714

DATE MAILED: 04/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/660,995

Applicant(s)
Weiss

Examiner
Kim Nguyen

Art Unit
3714



-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jan 29, 2002
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1035 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4, 6, and 7 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2, 6, and 7 is/are allowed.
- 6) ☒ Claim(s) 1 and 4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirements.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other: _____

Art Unit: 3714

DETAILED ACTION

The amendment filed on January 29, 2002 (paper No. 5) has been received and considered. By this amendment, claims 3 and 5 have been canceled, and claims 1-2, 4 and 6-7 are pending in the application.

Specification

The use of the legal phraseology "said" in the abstract, line 2, should be avoided.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jaffe (US. Patent No. 6,254,481).

As per claim 1 and 4, Jaffe discloses a gaming device which comprises: wager accepting means 18 (Fig. 2); a display 14 (Fig. 2); means 20 (Fig. 2) for operating the display and the wager accepting means (col. 4, lines 41-49); a primary game having particular outcomes (col. 4, lines 1-11); first bonus game being accessed via particular outcomes on the primary game (col. 5, lines

Art Unit: 3714

63-65); and a second bonus game (col. 8, lines 38-40). The first bonus game includes an outcome as a path to play the second bonus game (col. 8, lines 40-43).

Jaffe does not disclose the second bonus game being accessed via particular outcomes of the primary game. However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide a function call which activates the second bonus game of Jaffe when the primary game has a particular outcome that triggers the second bonus game. The motivation for implementing the function call is to provide the player more chances to play a variety bonus games from the outcomes of the primary game.

Allowable Subject Matter

2. Claims 2, and 6-7 are allowed.

Response to Arguments

3. Applicant's arguments filed January 29, 2002 have been fully considered but they are not persuasive.

In response to applicant's argument in page 5, first paragraph, examiner admits that Jaffe does not explicitly disclose accessing the second bonus game directly from the primary game. However, Jaffe discloses accessing the first bonus game directly from the primary game (col. 5, lines 63-65), since the second bonus game is, in fact, just one of a bonus game executed after a previous game completed, an ordinary person skilled in the art at the time the invention was

Art Unit: 3714

made could be able to use the driver software that executes the first bonus game from the primary game to execute the second bonus game directly from the primary game.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any response to this final action should be mailed to:

Box AF:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9303, (for formal communications; please mark "EXPEDITED
PROCEDURE")

Art Unit: 3714

Or:

(703) 308-7768 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Plaza II, Arlington. VA.,

Second Floor (Receptionist).

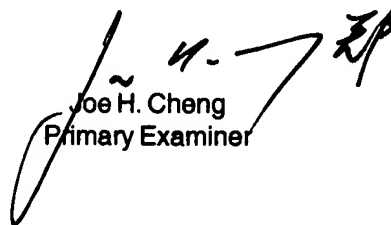
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Nguyen whose telephone number is (703) 308-7915. The examiner can normally be reached on Monday-Thursday from 8:00 am to 5:30 pm ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace, can be reached on (703) 308-4119. The fax phone number for this Group is (703)872-9302.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703)308-1148.



ktn
March 27, 2002



Joe H. Cheng
Primary Examiner